

Attorneys for Defendants Garlock, Inc., Viacom, Inc., successor by merger to CBS Corporation, formerly known as Westinghouse Electric Corporation, Foster Wheeler Corporation, Bayer CropScience, Inc., as Successor-in-Interest to Amchem Products, Inc., and The Dow Chemical Company

MARY L.M. MORAN  
CLERK OF COURT

Cess Navarro Olmo, and  
Ronnie Pascual Perreras,

V.

## Defendants

Case 1:05-cv-00025 Document 95 Filed 11/21/2005 Page 1 of 9

Olmo, et al. v. A.P. Green, et al.

Civil Case No. 05-00025


Filing of Original Affidavit of George S. Goodridge  
and Declaration of Thomas E. Moran

Defendants Bayer CropScience, Inc. and The Dow Chemical Company (Defendants) submit for filing with the Court the original Affidavit of George S. Goodridge (Goodridge Affidavit) and the original Declaration of Thomas E. Moran (Moran Declaration), in support of Defendants' 1) Motion to Dismiss for Lack of Personal Jurisdiction; and 2) Joinder in Defendant Georgia-Pacific Corporation's Motion to Dismiss Based on Improper Venue filed on November 18, 2005. The Motion to File Electronically Transmitted Copies filed on November 18, 2005 is withdrawn, based on the filing of the original Goodridge Affidavit and Moran Declaration.

Dated November 21, 2005.

DOOLEY ROBERTS & FOWLER LLP

By:

  
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**JON A. VISOSKY**  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I, Jon A. Visosky, caused the Defendants Bayer CropScience, Inc. and The Dow Chemical Company's Filing of original Affidavit of George S. Goodridge and Declaration of Thomas E. Moran to be served November 21, 2005, via hand delivery on the following:

Ignacio C. Aguigui, Esq.  
LUJAN UNPINGCO AGUIGUI & PEREZ LLP  
300 Pacific News Building  
238 Archbishop Flores Street  
Hagåtña, Guam 96910  
Attorneys for Plaintiffs

Anita P. Arriola, Esq.  
ARRIOLA, COWAN & ARRIOLA  
259 Martyr Street  
Suite 201, C&A Professional Building  
Hagåtña, Guam 96910  
Attorneys for Owens-Illinois, Inc.

Thomas C. Sterling, Esq.  
KLEMM, BLAIR, STERLING & JOHNSON  
1008 Pacific News Building  
238 Archbishop F.C. Flores Street  
Hagåtña, Guam 96910  
Attorneys for Metropolitan Life Insurance Company

J. Patrick Mason, Esq.  
CARLSMITH BALL LLP  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue  
P.O. Box BF  
Hagåtña, Guam 96932-5027  
Attorneys for Georgia-Pacific Corporation, A.W. Chesterton Company, and  
Kaiser Gypsum Company, Inc.

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Olmo, et al. v. A.P. Green, et al.

Civil Case No. 05-00025

Filing of Original Affidavit of George S. Goodridge  
and Declaration of Thomas E. Moran

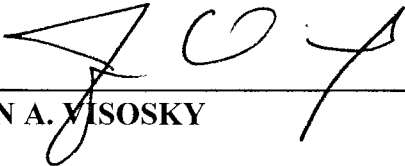
Louie J. Yanza, Esq.  
MAHER · YANZA · FLYNN · TIMBLIN, LLP  
115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagåtña, Guam 96910  
Attorneys for John Crane, Inc.

and via regular mail to all the parties listed on the attached matrix of Agents for Service of Process.

Dated November 21, 2005.

DOOLEY ROBERTS & FOWLER LLP

By:

  
\_\_\_\_\_  
JON A. VISOSKY

- |                                                                                                                                        |                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1) <b>A.P. Green Industries, Inc.</b><br>c/o CT Corporation System<br>120 S. Central Ave.<br>Clayton, MO 63105-1705                    | 8) <b>Quigley Company, Inc.</b><br>c/o CT Corporation System<br>111 Eighth Ave.<br>New York, NY 10011-5201             |
| 2) <b>A.P. Green Services, Inc.</b><br>30600 Telegraph Road<br>Bingham Farms, MI 48025                                                 | 9) <b>United States Gypsum Company</b><br>c/o Corporation Trust Co.<br>1209 N. Orange St.<br>Wilmington, DE 19801-1120 |
| 3) <b>Combustion Engineering, Inc.</b><br>c/o Corporation Trust Co.<br>1209 N. Orange St.<br>Wilmington, DE 19801-1120                 |                                                                                                                        |
| 4) <b>Dresser Industries, Inc.</b><br>4100 Clinton Dr.<br>Houston, TX 77020                                                            |                                                                                                                        |
| 5) <b>Flexitallic, Inc.</b><br>6914 LaPorte Rd.<br>Deer Park, TX 77436                                                                 |                                                                                                                        |
| 6) <b>Harbison-Walker Refractories Co.</b><br>c/o Corporation Trust Co.<br>1209 N. Orange St.<br>Wilmington, DE 19801-1120             |                                                                                                                        |
| 7) <b>Honeywell International, Inc.</b><br>c/o Corporation Service Company<br>2711 Centerville Road, Suite 400<br>Wilmington, DE 19808 |                                                                                                                        |

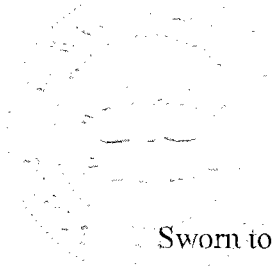
and

**Honeywell International, Inc.**  
101 Columbia Rd.  
Morristown, NJ 07960

## AFFIDAVIT OF GEORGE S. GOODRIDGE

GEORGE S. GOODRIDGE personally appeared before me in Durham County, State of North Carolina, and having been duly sworn, according to law, made the following affidavit, to wit:

1. I am over the age of 18 and am competent to and do testify to the matters herein on personal knowledge.
2. I am the Assistant Secretary of Bayer CropScience, Inc. and, in that role, I have become familiar with the company history and corporate history of its predecessors.
3. Bayer CropScience, Inc. is incorporated under New York law and has a principal place of business in Research Triangle Park, North Carolina. It is the current corporate successor to Amchem Products, Inc. and the Benjamin Foster Company.
4. Bayer CropScience, Inc. has no offices or plants in Guam and owns no property in Guam.
5. Bayer CropScience, Inc. is not licensed or qualified to do business in Guam and it does not do business on Guam. Bayer CropScience, Inc. does not engage in any direct sales or marketing on Guam and does not advertise for business on Guam. Bayer CropScience, Inc. has no officers, directors, employees or agents residing in or domiciled on Guam.
6. Bayer CropScience, Inc. has no telephone listing or mailing address in Guam. Bayer CropScience, Inc. has no bank accounts in Guam.

  
*George S. Goodridge*  
Affiant – George S. Goodridge

Sworn to and subscribed before me this 15th day of November, 2005.

*Miriam T. Carver*  
Notary Public – Miriam T. Carver

My commission expires June 13, 2010.

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865 South Marine Corps Drive  
Tamuning, Guam 96913  
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Attorneys for Defendants Garlock, Inc., Viacom, Inc.,  
successor by merger to CBS Corporation, formerly known  
as Westinghouse Electric Corporation, Foster Wheeler  
Corporation, Bayer CropScience, Inc., as Succesor-in-Interest  
to Amchem Products, Inc., and The Dow Chemical Company

**DISTRICT COURT OF GUAM  
TERRITORY OF GUAM**

Cess Navarro Olmo,  
Ronnie Pascual Perreras,

Plaintiffs,

v.

A.P. Green Industries, Inc., A.P. Green  
Services, Inc., A.W. Chesterton Company,  
Amchem Products, Inc., Armstrong World  
Industries, Inc., Asbestos Claims Management  
Corporation, Babcock & Wilcox Company,  
Combustion Engineering, Inc., Dow Chemical  
Company, Dresser Industries, Inc., Flexitallic,  
Inc., Flintkote Company, Foster Wheeler Corp.,  
GAF Corporation, Garlock, Inc., Georgia-  
Pacific Corporation, Harbison-Walker  
Refractories Co., Honeywell International, Inc.,  
John Crane, Inc., Kaiser Gypsum Company,  
Inc., Metropolitan Life Insurance Company,  
Owens Corning, Owens-Illinois, Inc., Pittsburg  
Corning Corporation, Quigley Company, Inc.,  
United States Gypsum Company, Viacom, Inc.

Defendants

) CIVIL CASE NO. 05-00025

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**DECLARATION OF THOMAS E.  
MORAN IN SUPPORT OF MOTION TO  
DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

I, Thomas E. Moran, declare as follows:

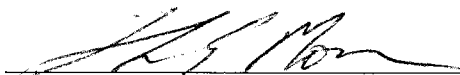
1. I am a resident of the State of Michigan, over eighteen years of age and competent to give this declaration in support of The Dow Chemical Company's Motion to Dismiss Plaintiffs' First Amended Complaint. The facts contained in this affidavit are based upon my personal knowledge, information and belief and are true and correct.
2. I am an Assistant Secretary of The Dow Chemical Company.
3. The Dow Chemical Company was incorporated in the state of Delaware, U.S.A. Its principal place of business is in Midland, Michigan.
4. The Dow Chemical Company has no office, mailing address, telephone listing, or telephone account in Guam.
5. The Dow Chemical Company maintains no bank account in Guam.
6. The Dow Chemical Company is neither qualified, nor licensed, to conduct business in Guam.
7. The Dow Chemical Company does not conduct business in Guam.
8. The Dow Chemical Company has no officers, directors, employees or agents residing or domiciled in Guam.
9. The Dow Chemical Company does not own property in Guam;



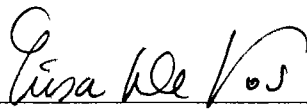
10. The Dow Chemical Company does not engage in any direct sales to or marketing in Guam.

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 15, 2005, at Midland, Michigan.

  
\_\_\_\_\_  
Thomas E. Moran

Subscribed and sworn to by me  
this 15<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
Notary Public

*Lisa De Vos*  
Notary Public, Saginaw County, Michigan  
Acting in Midland County  
My Commission Expires February 16, 2007